

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.04-30070KPN

Peter K. Frei, )  
Plaintiff, )  
 )  
v. )  
 )  
TOWN OF HOLLAND, et al, )  
Defendant(s) )

PLAINTIFF'S MOTION FOR DEFAULT JUDGEMENT BY COURT

Plaintiff hereby submits his MOTION FOR DEFAULT JUDGMENT BY COURT pursuant to Fed.R.Civ.P. Rule 55(b)(2).

Peter K. Frei, plaintiff moves this honorable Court for entry of a default judgment against

**TOWN OF HOLLAND, BOARD OF HEALTH, HOLLAND CONSERVATION COMMISSION, HOLLAND POLICE DEPARTMENT, PLANNING BOARD, ZONING BOARD OF APPEALS, Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Harold E. Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin Haller, William Hardy, Earl Johnson, Helen Kreiger, Marilyn LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Arthur A. Quinn, Brian Roche, and John Stevens**

under Rule 55(b)(2) of the Federal Rules of Civil Procedure.

Peter K. Frei requests that judgment be entered for the amount of \$ 4,176,000 and that the judgment bear interest at the judgment rate from the date of entry until paid. Plaintiff also requests that judgment be entered for the injunctive relief sought against the board of health for the issuance of a certificate of compliance, and against all defendants to stop retaliating, discriminating, conspire and harass plaintiff, and to insure future discontinuation of trespass by the defendants.

The Court should enter the judgement requested against all the

above named defendants and in favor of Peter K. Frei, plaintiff, because:

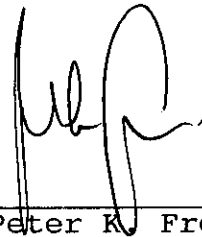
1. The default of all the defendants mentioned above was entered by the Court on July 15, 2004.
2. All defendants mentioned above appeared in this action represented by counsel, and notice of this application was given to Nancy Frankel Pelletier, Esq., Robinson Donovan, P.C., 1500 Main Street, Suite 1600, P.O.Box 15609, Springfield, MA 01115-5609, the attorney representing all the above mentioned defendants more than three days before any hearing on this application, as is shown in the attached Certificate of Service.
3. The first amended complaint in this action sets out valid claims for the following violations: Equal Protection of the laws, Substantive due process, Procedural due process, Interference with contract, Unreasonable search and seizure, Conspiracy to deny equal protection, Conspiracy to interfere with due justice, Retaliation for exercising First Amendment rights, Intentional infliction of emotional distress, Violation of the Mass. Civil Rights Act. By virtue of the default, all of the above mentioned defendants may not challenge any of the factual allegations supporting this claims.
4. The terms of relief sought in the requested judgment are fully justified by the facts shown in the attached affidavits and/or will be established by the evidence presented at the hearing.
5. Attached to this motion is an Affidavit that complies with the requirements of the Soldiers' and Sailors' Civil Relief Act of

1940 (50 U.S.C. App. § 520), which shows that none of the above mentioned defendants is currently serving in the military or is currently serving in the military but is not impaired in any way in his/her ability to defend against this claims.

6. This motion is based on this document, the NOTICE OF MOTION, the accompanying AFFIDAVIT OF PETER K. FREI IN SUPPORT OF REQUEST TO ENTER THE DEFAULT OF ALL DEFENDANTS IN THIS ACTION ACCORDING TO Fed.R.Civ.P. 55(a), the accompanying PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT BY COURT, and all of the pleadings and papers on file in this Court in this action, and on whatever evidence and argument is presented at a hearing on this motion.

July 13, 2004

Respectfully submitted  
by the Plaintiff pro se



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(<http://www.01521.com/fed/fdfjmo01.htm>)